

**To:** Peterson, Cynthia[Peterson.Cynthia@epa.gov]; Cooper, William[Cooper.William@epa.gov]  
**From:** Wardell, Christopher  
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## **Wall Street Journal**

<http://blogs.wsj.com/riskandcompliance/2015/08/24/crisis-of-the-week-epas-toxic-mine-spill-response-scrutinized/>

### **Crisis of the Week: EPA's Toxic Mine Spill Response Scrutinized**

By BEN DIPIETRO

2:39 pm ET Aug 24, 2015

Water flows through a series of sediment retention ponds built to reduce heavy metal and chemical contaminants from the Gold King Mine wastewater accident outside Silverton, Colo. Associated Press

This week the crisis entails how the U.S. Environmental Protection Agency and a contractor have responded to the spill of toxic chemicals from a mine in Colorado. The toxic wastewater released during a cleanup of the Gold King Mine sent chemicals into the Animas River, turning its waters a mustard color.

While EPA Administrator Gina McCarthy apologized for the mishap, the agency's response was criticized for being slow and lacking in details. A Missouri-based contractor, Environmental Restoration, was identified as the company that was handling the cleanup at the time the toxic sludge was released into the river.

The company issued a statement saying it couldn't provide any information because it signed a confidentiality agreement with EPA. Ms. McCarthy said the EPA takes full responsibility for the incident, is conducting an internal investigation and will commission an independent review to find out what happened. As one EPA official said: "We typically respond to emergencies; we

don't cause them.”

Looking at the statements of the agency and its top officials, and at the statement from the contractor, the crisis experts were asked to point out what was done properly in terms of crisis response, where the ball was dropped and what needs to be done next as this issue plays out.

Anthony Johndrow, co-founder and CEO, Reputation Economy Advisors: “In evaluating the EPA’s response to the Colorado spill, this quote from Dave Ostrander, EPA regional director of emergency preparedness—‘We typically respond to emergencies; we don’t cause them’—pretty much says it all. The EPA clearly lacks any self-imposed crisis response capability—or training, or experience—as evidenced by this quote, the slow speed of the response and the delays in escalation and coordination with affected communities.

“It would be shocking for a big company to fumble something this badly—imagine if a CEO, several days after a major environmental tragedy, said ‘I don’t have a complete understanding of anything that went on in there,’ as Ms. McCarthy did in response to lawmaker criticism. In fact, I wonder what would have happened if a private company were responsible? Actually, I imagine Ms. McCarthy would be criticizing them in excruciating detail. Instead, she leads with vague apologies, no sense of urgency and a gag order on the contractor involved.

“Even with that confidentiality agreement, Environmental Restoration had a choice. If the lack of information resulting from their silence ends up harming people, the choice to adhere to that agreement will be seen as inexcusable.”

Vincent Schiavone, founder and CEO, Akuda Labs and Listen Logic: “This crisis is an unfortunate example of lack of preparation and practice, inadequate immediate communication response and poor coordination during an unfortunate accident that threatened the public health of many people and impacted many downstream stakeholders. While rare accidents such as Gold Mine are predictable and the EPA and their contractors should have been more prepared and should have practiced crisis response and communication for a predictable event with known downstream impact. The apology by EPA Administrator Gina McCarthy was necessary because of lack of timeliness of notification, information and action.

“The number one task for this type of crisis is immediate notification of all who might be

adversely affected by the consequences. The articles and complaints from numerous state and local authorities, press and consumer groups indicates there was no immediate alarm sounded. A plan should have been in place to immediately notify state and local authorities, digital and traditional press, as well as consumers directly through digital and social media. Twitter and other digital channels effective offer real-time means to alert many stakeholders, including press and consumers, directly.

“Both the EPA and the contractor, Environmental Response, should have been prepared with statements that an accident has occurred, as well as a backgrounder on the risks of environmental remediation work, the safeguards in place to prevent accidents from happening and the processes in place to respond when accidents occur. The statement issued by Environmental Response that it cannot comment due to confidentiality agreements was a very poor crisis communication response and not satisfactory to any stakeholders. The contractor should have been prepared, with EPA coordination, to issue a statement that acknowledged an accident has occurred; that immediate notification was issued; and that immediate damage mitigation procedures were initiated.

“The EPA should adopt the National Transportation Safety Board incident response, investigation and communication model. The NTSB has teams ready to respond to transportation accidents. The NTSB is prepared and well-practiced with immediately securing an accident site, preventing further damage and risk to public safety, and coordinating with state and local agencies and companies involved on response and communication. They hold immediate and frequent press updates and their final reports include recommendations and often requirements for technology and procedural changes to prevent or reduce the risk of similar accidents from happening in the future.”

Chris Wardell

USEPA Region 8

Public Affairs and Community Involvement

Work: 303-312-6062

Cell: 303-552-7109

[wardell.christopher@epa.gov](mailto:wardell.christopher@epa.gov)

